

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF COMMERCE

In the Matter of the Limited Real Estate  
Broker License of Accessible Mortgage  
Services, Inc., License No. 20141973

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND RECOMMENDATION

The above-entitled matter came on for prehearing conference before Administrative Law Judge Phyllis A. Reha on August 10, 2000 at 3:00 p.m. at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401. The record closed on the same date.

Jennifer S. Kenney, Assistant Attorney General, 1200 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, appeared on behalf of the Department of Commerce. There was no appearance by or on behalf of the Respondent, Accessible Mortgage Services, Inc. or Lori Nelson, President, Accessible Mortgage Services, Inc., 18598 Euclid Pass, Farmington, MN 55024.

NOTICE

This Report is a recommendation, not a final decision. The Commissioner of the Minnesota Department of Commerce will make the final decision after a review of the record. The Commissioner may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Pursuant to Minn. Stat. § 14.61, the final decision of the Commissioner shall not be made until this Report has been made available to the parties to the proceeding for at least ten days and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the Commissioner. Parties should contact the Commissioner of Commerce, 133 East Seventh Street, St. Paul, Minnesota 55101, telephone (651) 297-3238 for information on filing exceptions and presenting argument.

STATEMENT OF ISSUE

The issue in this contested case proceeding is whether the Respondent, Accessible Mortgage Services, Inc. has engaged in activities, which demonstrate that it is untrustworthy, financially irresponsible, or otherwise incompetent or unqualified to act under the authority or license granted by the Commissioner; and, if so, whether the Commissioner of Commerce should take disciplinary action against the Respondent's limited real estate broker License No. 20141973.

Based upon all of the files, records and proceedings herein, the Administrative Law Judge makes the following:

## FINDINGS OF FACT

1. Accessible Mortgage Services, Inc. ("Respondent") was initially licensed as a limited real estate broker on July 14, 1998. This limited license was to be used to engage in mortgage originator or loan broker activities. The license was to expire on June 30, 2000. However, effective August 1, 1999, any person engaged in mortgage originator activities must be licensed pursuant to Minn. Stat. § 58.04 (1998) and (Supp. 1999). Therefore, Respondent's limited real estate broker license became invalid for mortgage originator activities on August 1, 1999. Lori Nelson is the President of Accessible Mortgage Services, Inc. (Ex. A)

2. The Notice of and Order for Hearing, Notice of Prehearing Conference, and Statement of Charges in this matter was served upon the Respondent by first class and certified mail (No. 17510) at Lori Nelson, President, Accessible Mortgage Services, Inc., 18598 Euclid Pass, Farmington, MN 55024. This was the Respondent's last known address on file with the Department of Commerce. (Ex. D) The certified mail was returned to the Department as unclaimed. (Ex. E)

3. The Notice of and Order for Hearing mailed to the Respondent included the following notice in bold-face type on page 8:

**If Respondent fails to attend or otherwise appear at any prehearing conference, settlement conference, or hearing in this matter, or fails to comply with any interlocutory order of the judge after having been served with a copy of this Order, Respondent shall be deemed in default and the allegations or issues set forth herein may be deemed proved, and Respondent's residential building contractor license may be revoked or suspended, Respondent may be censured and/or a civil penalty may be imposed against Respondent without further proceedings.** (Ex. C)

4. The Respondent did not appear at the prehearing conference scheduled for August 10, 2000, or have an appearance made on its behalf. Respondent did not request a continuance or any other relief prior to the hearing.

5. Because Respondent failed to appear at the August 10, 2000 hearing in this matter, it is in default. Pursuant to Minn. R. 1400.6000 (1997), the allegations contained in the Notice of and Order for Hearing, Notice of Prehearing Conference, and Statement of Charges is hereby taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

### CONCLUSIONS

1. The Commissioner of Commerce and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50, 45.027, and 45.0112 (1998).
2. The Department gave proper notice of the hearing in this matter and fulfilled all relevant substantive and procedural requirements of law or rule.
3. The Respondent, having made no appearance at the August 10, 2000 prehearing conference and not requesting a continuance or other relief, is in default. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice of and Order for Hearing, Notice of Prehearing Conference and Statement of Charges are hereby taken as true.
4. The conduct described in the Notice of and Order for Hearing, Notice of Prehearing Conference, and Statement of Charges constitutes violations of Minn. Stat. §§ 45.0112 (1998); Minn. R. 2805.0800, subp. 2 (1999); 45.027, subd. 7(4) (Supp. 1999); and 45.027, subd. 1a (1998).
5. As a result of Conclusion 4 above, the Commissioner may take disciplinary action against Respondent's Limited Real Estate Broker License pursuant to Minn. Stat § 45.027, subds. 6, 7 (Supp. 1999) and 11 (1998).

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

### RECOMMENDATION

IT IS HEREBY RESPECTFULLY RECOMMENDED that appropriate disciplinary action be taken against the Limited Real Estate Broker License of Accessible Mortgage Services, Inc., License No. 20141973.

Dated this 21<sup>st</sup> day of August, 2000

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PHYLLIS A. REHA  
Administrative Law Judge

### NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the Agency is required to serve its final decision upon each party and the Administrative Law Judge by first-class mail.

Reported: Default.